

## Public Hearing Comments

(Complete transcripts are presented in the Appendix)

12           MR. GIBSON: Thank you for being here, gentlemen.  
13 Again, I'm Bruce Gibson. I'm the 2nd District Supervisor,  
14 San Luis Obispo County. And I, again, appreciate your  
15 coming locally to deal with what I know is often handled  
16 at a great distance.

17           We're really fortunate to have Bill Henry of the  
18 Morro group SWCA reviewing the Draft EIR. And I'm  
19 especially grateful because before I walked in and saw him  
20 here, I was afraid that I was going to have to review the  
21 Draft EIR, and I've got one already on my desk that I'm  
22 going through. But as I understand it -- I don't know if  
23 Bill was planning on commenting -- he will be preparing  
24 comments on behalf of the County.

25           The County is also -- in a brief conversation  
1 with Bill, I understand the County is also going through  
2 its consistency analysis as regards to permit issues as to  
3 whether there are permit issues for our land use authority  
4 within the County.

5           In a brief review of the EIR over the last couple  
6 days, it seems to me that in terms of purely environmental  
7 impacts and purely response to the document, I understand  
8 the analysis and the mitigations proposed for things such  
9 as aesthetics and biological resources, air quality, and  
10 so forth, which seem to be largely construction phase  
11 issues.

12           I think the ones that most concern me and my  
13 constituents, among them primarily the community of

PH-1

14 Los Osos immediately adjacent to the site, are the  
15 recreational impacts during the construction phase, and  
16 also the fishing impacts, perhaps even more important to  
17 the City of Morro Bay a bit to the north. But both the  
18 commercial and the recreational impacts are of concern to  
19 us.

20           There is a larger issue that I well understand is  
21 not directly related in terms of your CEQA analysis of  
22 this project. And that is the larger issue of  
23 compensation to be paid for the use of public lands for  
24 this piece of infrastructure, private sector company. And  
25 again, I realize the context in which we're talking today,  
1 but I did want to get on the record with the County's  
2 concerns about that. I think that discussion we would  
3 like to continue.

4           And I'm glad to hear that this won't be heard at  
5 the January 29th meeting, because I'd like a chance to  
6 talk to other State Lands Commission staff as regards to  
7 the agreements between AT&T and the State Lands  
8 Commission. We're also reviewing with our friends at the  
9 Department of Parks and Recreation the issues of  
10 agreements between state parks and AT&T.

11           Basically, it's my belief that the County of  
12 San Luis Obispo is owed proper compensation for the use of  
13 public lands for private infrastructure; and I don't have  
14 all the facts at my fingertips right now, we're in the  
15 process of gathering that. The basic idea -- you'll hear  
16 from constituents, residents of Los Osos with specific

PH-1  
continued

17 ideas -- but Montana de Oro is one of the jewels of our  
18 County, long been open access without entrance fee to  
19 members of the public. We're trying to see if we can keep  
20 it that way. And it's timely in that the County is under  
21 discussion with state parks on specific question of that.

22 In addition, recently there's been a -- completed  
23 an acquisition of some 4,000, soon, possibly, to be 6,000,  
24 acres of land that's going to be added to the state park  
25 that's going to include a segment of the coastal trail. I  
1 bring that up -- it's not clear to me whether compensation  
2 from AT&T might be looked at as mitigation for certain of  
3 these impacts, whether that compensation would be  
4 appropriate under the agreements that have to be made for  
5 AT&T to use those public lands.

6 I would hope -- and I don't know if there are  
7 representatives of the company here, but we might also --  
8 we would definitely also like to enter into a cooperative  
9 discussion with AT&T about the possibility of them funding  
10 it as a good corporate citizen.

11 So that lays the overall look, issues that we are  
12 interested in. And for the specifics of the comments on  
13 your DEIR, we'll wait for Mr. Henry and his group to  
14 provide those on behalf of the County. Thank you.

15 FACILITATOR MCFARLIN: Thanks.

16 Janice?

17 MS. ROHN: Hi. I'm Janice Rohn. I'm a member of  
18 the Los Osos Community Advisory Council, and I'm also a  
19 resident of Los Osos. So one of the things that I wanted  
20 to reiterate is what Bruce just talked about of being able

PH-1  
continued

PH-2

21 to have some mitigation in order to cover the agreement  
22 that is currently on record between the County and then  
23 also the state parks. And in that current agreement there  
24 is an amount that needs to be paid from the County to  
25 state parks.

1 And what we'd like to see -- and this is  
2 something that we've spoken with with not only the  
3 advisory council, but also a number of people within  
4 Los Osos -- is making -- coming up with a way to provide  
5 that compensation from the County to the state parks. And  
6 this is a perfect example of how we can use mitigation  
7 from AT&T to cover those costs to keep the park free for  
8 access to the members of the community and the county and  
9 all the people who use the state parks on a daily basis.

10 So we can provide that documentation to all of  
11 you so that you can take a look at that agreement. And  
12 what we'd like to do is ask that that be built into  
13 covering that, that cost would be built into the agreement  
14 between AT&T and the Land Commission and have that be part  
15 of the agreement; and then also the wider issue of what  
16 Bruce talked about, of having it cover the opening of the  
17 newly-acquired land, the Irish Hills land, and also  
18 funding for development of that area. So that's our  
19 request.

20 On a separate topic, one of the things that I had  
21 a question about is because the current cable runs within  
22 inches of my property line, is there going to be any  
23 additional digging on the Pecho Valley part of it, or are

PH-2  
continued

PH-3

24 you going to be using the current -- is AT&T proposing to  
25 use the current conduits and manholes and not do  
1 additional digging; because I have put a new fence that's  
2 literally within about two or three inches of where the  
3 cable is laid, which is on -- my fence is on my property.  
4 I just want to make sure that there isn't some digging  
5 that will disrupt my fence that I put in.

PH-3  
continued

23 MR. MALYKONT: Good evening. My name is Paul  
24 Malykont. I'm a resident of Los Osos. I'm also a member  
25 of the Community Advisory Council in Los Osos. And  
1 interestingly enough, I'm a lifetime AT&T customer.

2 Los Osos is a unique community and a very  
3 beautiful place. A significant part of the beauty and  
4 wonder of living there stems from our park. For various  
5 reasons the rest of our community contains relatively  
6 little parkland, we're grossly underserved in that  
7 respect, and the park really functions as our community  
8 park. People drive out there to just get five minutes  
9 away from the hubbub of everyday life. And we're now  
10 faced with a proposal to charge entry fees to the park.

PH-4

11 I would like to invite AT&T as the good citizen  
12 that it has always been throughout the country to sponsor  
13 our community and sponsor our park. And it would be a  
14 thrill if actually it would happen, and we could publicize  
15 it favorably together, or you on your own, however you  
16 want to do it. My only interest is the citizens of our  
17 community and the citizens all around in the county and  
18 the state have unfettered access to the park; you can

19 really help us. So please consider it, please help us,  
20 and please pick up some really wonderful publicity. Thank  
21 you very much.

23 Linde Owen.

24 MS. OWEN: Good evening. Linde Owen. I'm from  
25 Los Osos, AT&T user, and I use Montana de Oro Park as

1 often as I can. So I pretty much am just repeating what  
2 Janice and Paul have already said.

3 I really would hope that there would be an  
4 opportunity here with this fifth line of fiber optic cable  
5 coming through to visit the idea of being an annual  
6 sponsor to help mitigate this fee that the state parks is  
7 needing from park users. And as was mentioned by Paul, we  
8 will be paying an entrance fee, it will be closed up at  
9 night, which would kind of almost come into play with the  
10 agreement that there should be access to the parking area  
11 where the fiber optic lines come in to the public at all  
12 times is what I understood.

13 I couldn't find a lot of information about prior  
14 agreements and what mitigation was set up and what kind of  
15 lease arrangements exist currently, but by having the park  
16 closed or by having people turned away because they don't  
17 have the entrance fee, we do lose access to that parking  
18 area and access to the beach that was part of the  
19 interchange of being allowed to bring those AT&T lines in.

20 So I think either as a mitigation proposal, or on  
21 a side note, if they wanted to be a corporate sponsor,  
22 that would be something between state parks, the county,

PH-4  
continued

PH-5

23 and AT&T, but I would highly propose that either of those  
24 options be put forward so that we could sort of get the  
25 best of both worlds for AT&T to receive the thanks --

PH-5  
continued

11 MS. OWEN: Excuse me. Linde Owen again. I have  
12 one other question.

13 Exactly how does the construction crew access on  
14 the top of the ridge to get to those manholes? Are there  
15 pathways up there that they access by foot or do they drop  
16 them in by helicopter? I don't see any roadway from the  
17 aerial view, but I was just curious if you have any idea,  
18 because that would be part of the environmental impact,  
19 and I didn't see it in the report.

PH-6

**RESPONSES TO PUBLIC HEARING COMMENTS**

There were no public hearing comments for the hearing held at 3:30 p.m., Tuesday, January 6, 2009. The following responses are to comments provided during the hearing held at 6:00 p.m. on the same day.

PH-1            The comment references comments on the DEIR that were submitted by the County (see Comment Set 3 and response to Comment Set 3).

As stated in the comment, the commenting party also presented general concerns about short-term recreational impacts and the larger issue of compensation to be paid by the applicant for the use of public lands. As acknowledged in the comment, this does not relate to the adequacy of the DEIR and is provided for informational purposes and consideration by the applicant and decision-makers.

PH-2            Please see response to PH-1. A copy of the Operating Agreement Between the County of San Luis Obispo and the California Department of Parks and Recreation for the Use and Operation of Morro Bay State Park Golf Course, Pecho Road in Montaña de Oro State Park, Bishop Peak, and the Beach, Pier, Veterans' Memorial Hall and Old Creek in Cayucos (Agreement) was provided by the commenting party (Janice Rohn) as part of written comment (see Comment Set 10 and response to Comment Set 10). The Agreement is provided as an Appendix of this Final EIR.

PH-3            The project makes use of existing facilities. Access for the project will be taken from existing easements.

PH-4            Please see response to PH-1.

PH-5            Please see response to PH-1.

PH-6            Please see response to PH-3.